

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES J. EASLEY.

No. 2:15-cv-1429 KJM DAD P

Plaintiff,

V.

ORDER

P. SMITH,

Defendant.

Plaintiff, a California state prisoner, proceeds pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff has filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

Plaintiff is currently incarcerated at Tallahatchie County Correctional Facility in Tutwiler, Mississippi. The federal venue statute provides that a civil action may be brought in

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

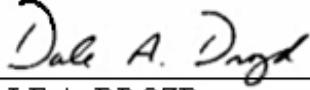
(3) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

1 In this case, the defendant is located and the claim arose in Tallahatchie County, which is
2 situated within the boundaries of the United States District Court for the Northern District of
3 Mississippi, Oxford Division. Therefore, plaintiff's action should have been filed in that court.
4 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the
5 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
6 1974).

7 Accordingly, IT IS HEREBY ORDERED that this matter is transferred, pursuant to 28
8 U.S.C. § 1406(a), to the United States District Court for the Northern District of Mississippi,
9 Oxford Division, Federal Building Room 369, 911 Jackson Avenue E, Oxford, Mississippi
10 368655.

11 Dated: August 26, 2015

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13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

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